IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

CRL.A.No. 740 of 1999()

CC.1/1998 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA

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APPELLANT:

M.K.SASI, S/O.KANARAN,
MADAMVECHA KUNIYIL,
P.O. CHOMBALA,
EDACHERY POLICE STATION,
KOZHIKODE DISTRICT

BY ADV. SRI.VADAKARA V.V.N.MENON

RESPONDENTS:

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1. V.K.SAMIKUTTY, S/O.KORUMBAN,
VATTAKULANGARA HOUSE,
P.O. NADUVATHUR, QUILANDY TALUK,
QUILANDY POLICE STATION,
KOZHIKODE DISTRICT.

2. THE STATE OF KERALA REPRESENTED
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.740 of 1999(D)

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Dated this the 17th day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.1/1998 in the file of the Judicial Magistrate of the First Class, Vadakara, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 08/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.740 of 1999(D)

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J U D G M E N T

17th July, 2007